

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

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|------------------------|---|-------------------------------------|
| Randall Loyis Simpson, |) | |
| |) | Civil Action No.: 6:20-cv-01825-JMC |
| Plaintiff, |) | |
| |) | ORDER |
| v. |) | |
| |) | |
| Ryan White, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court upon review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 31), filed on August 17, 2020, recommending that the court dismiss Plaintiff Randall Loyis Simpson’s Amended Complaint (ECF No. 23) with prejudice, and deny further leave for Plaintiff to amend his Complaint. Plaintiff Randall Loyis Simpson, a pretrial detainee, filed this matter against Ryan White for monetary damages and injunctive relief for alleged constitutional violations based on the failure to provide him with a preliminary hearing regarding his criminal charges. (*See* ECF No. 24.)

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with this court. *Id.* The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made. *Diamond v. Colonial Life and Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The parties were advised of their right to file objections to the Report. (ECF No. 31 at 10.) Neither of the parties filed objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond*, 416 F.3d at 315 (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. Therefore, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 31), **DISMISSES** Plaintiff's Amended Complaint (ECF No. 23) with prejudice, and **DENIES** Plaintiff further leave to amend his Complaint.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

September 15, 2020
Columbia, South Carolina